MINUTES



REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD, Council Chambers

Thursday, November 2, 2000, 7:30 P.M. 777 "B" Street, Hayward, CA 94541

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Cavegiia, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Bennett, Bogue, Halliday, Sacks, Williams, Zermeño

CHAIRPERSON Caveglia

Absent: COMMISSIONER None

Staff Members Present: Anderly, Bauman, Conneely, Garcia, Looney, Patenaude

General Public **Present**: Approximately 30

PUBLIC COMMENT

There were no public comments

AGENDA

- 1. **Tentative Map Tract 7040 Leonard Perillo (Applicant/Owner):** Request for a 12-month Extension of the Tentative Map to Subdivide a .82 acre Parcel into 14 Residential Condominium Units Square Feet *The Property is Located at 24709 O'Neil Avenue*, Westerly Side, 430 + feet Northof Orchard Avenue
- 2. Use Permit/Site Plan Review Application No. 00-160-11 GRAE Ventures, Inc. (Applicant) / Sellau Properties, Inc. & Wirrulla Hayward, LLC (Owners) Request for a Retail Center to Accommodate a 129,600-Square-Foot Regional Retail Building with an Associated 4-Bay Membership Gas Station, and a Pad for a Future 25,000-Square-Foot Subregional Retail Building, on Approximately 13 Acres The Project is Located at the Northeast Comer of Whipple Road and industrial Parkway Southwest
- 3. Use Permit Application No. 00-160-20 GRAE Ventures, LLC Applicant), Adolph Schuman Trust (Owner): Request to Construct a Retail Commercial Project Consisting of two Buildings, one with 23,042 Square Feet and the Other with 14,490 Square Feet and a Drive-up Window The Project Involves a Request to Reduce the Parking Requirement from 155 Parking Stalls to 141 The Project is Located at the Northeast Corner of Hesperian Boulevard and West Winton Avenue, Across the Street (Hesperian Boulevard) from Hayward Executive Airport in a CN (Neighborhood Commercial) Zoning District.

PUBLIC HEARINGS

1. **Tentative Map Tract 7040 - Leonard Perillo (Applicant/Owner):** Request for a 12-month Extension of the Tentative Map to Subdivide a .82 acre Parcel into 14 Residential Condominium Units Square Feet - *The Property* is *Located at 24709 O'Neil Avenue*, Westerly Side, 430 + feet North of Orchard Avenue

Development Services Engineer Garcia described the property and the proposal.

Chairperson Caveglia opened and closed the public hearing at 7:36 p.m. with no comments from the public.

Commissioner Williams **moved**, seconded by Commissioner Zermeño, the staff recommendation for a 12-month extension. The motion **passed unanimously**.

2. Use Permit/Site Plan Review Application No. 00-160-11 – GRAE Ventures, Inc. (Applicant) / Sellau Properties, Inc. & Wirrulla Hayward, LLC (Owners) – Request for a Retail Center to Accommodate a 129,600-Square-Foot Regional Retail Building with an Associated 4-Bay Membership Gas Station, and a Pad for a Future 25,000-Square-Foot Subregional Retail Building, on Approximately 13 Acres – The Project is Located at the Northeast Corner of Whi ppl e Road and Industrial Parkway Southwest

Acting Principal Planner Patenaude described the project with the proposed site plan. He indicated that it will include a Sam's Club and noted the 622 parking spaces, which meet the requirement of the City. Staff recommended that the Commission adopt the mitigated negative declaration, approve the permit for Retail Number 1 and Pad Number 1, but deny the permit for the gas station. He explained that the area is a gateway into the City and is already served by a number of gas stations. He also brought their attention to a letter from COMMPRE asking for additional conditions to be added regarding the sale of alcoholic beverages at the store. As a result, Acting Principal Patenaude asked for a condition to allow staff to work with COMMPRE and the developer to come to an understanding among themselves. He added that staff is concerned that the location of the gas station in the midst of the parking area would create traffic and safety problems.

In response to Commissioner Halliday's question regarding parking, Acting Principal Patenaude explained that the applicant is right at the number required.

Commissioner Halliday then asked about the burrowing owls on the site, and was told that additional studies would be required. If they were found, there would be no impacts to the site allowed during nesting season. Acting Principal Patenaude added that the report would be filed with the Department of Fish and Game and that they are the body to decide necessary

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mitigations.

She then asked for further elaboration on the wetlands on the site. Acting Principal Patenaude said that the permits would be determined by the Army Corps of Engineers, the Regional Water Quality Control Board, and the State Department of Fish and Game. He added that there would have to be a substantial amount of fill at the site as well.

In response to Commissioner Williams questions regarding the liquor license, Acting Principal Patenaude responded that a liquor license is anticipated only for Retail Number One. The second pad on the site will be leased to another retail tenant.

Commissioner Williams then asked whether other Sam's Clubs have gas stations on site. He was told that some of them do.

Chairperson Caveglia opened the public hearing at 8:06 p.m.

David Gilmore, 25031 Smokewood Way, Stevenson Ranch, representing GRAE Ventures, described the project. He said they have been working with staff since December of last year. They were told that the major issues would be traffic, wetlands, and flood control. He said in response to staff concerns for not having a big **box** look to the store, they are designing a building that will cost approximately 35 percent more than a typical Sam's Club. They have adjusted the designs according to concerns expressed by staff. He added that they are very sensitive to the Gateway concept and have planned landscaping and designing accordingly. He described the gas station as for membership only, which will reduce the number of trips generated since most of the customers will already be on site.

Richard Chavez, 8010 Fox Meadow Lane, Grawith Bay, speaking as a consultant for GRAE Ventures, spoke against the condition requiring underground power lines, saying it would be a significant expense. He indicated that the area is industrial and most of the existing properties have overhead **power** lines, He said he did not see the benefit of requiring them for this one parcel.

Deputy Director of Public Works Bauman said they recognize the cost but it has become the City's policy to require undergrounding for new projects. This will help to reduce the number of power poles and beautify the City. He added that you might note there **are no** power poles displayed in the renderings presented for approval.

Greg Warn, 125 Chadbourne Drive, Danville, owner of the Crescent Truck Lines, asked whether the street improvements in the area would in any way, disturb the ingress and egress

of his business which is directly across the street.

Deputy Director of Public Works Bauman responded that there should be nothing to deter them from anything they **may** be doing at present.

L.S. Hu, 28036 Farmhill Road, thanked everyone for all the work that is being done in the downtown area. He said he is excited **about** this project since San Leandro and Union City have been reaping too many of Hayward's tax dollars with the Costco and other stores. He added that we need this in Hayward for the benefit of the City.

Milan Dobro, 29171 Delgado Road, representing the mobile home owners, said this Sam's Club could provide additional income for seniors in the area, with part-time work. He proposed that the business provide transportation for the workers and indicated that the tax dollars would be beneficial to the City.

Commissioner Halliday then asked about the economic analysis and employment prospects for the area.

Amy Hill, representing Sam's Club, 2245 Balsam Street, Reno, Nevada, said there would be approximately 200-250 jobs generated by the business. She said the company will provide health benefits as well as opportunities for full-time work. She did say that the business is non-union. She told members that of the 466 Sam's Clubs, approximately one hundred have gas stations. She responded to Commissioner Sacks that the Sam's Clubs have been in business almost 25 years and have had gas stations for the past five years, She added that each is clearly part of the Sam's Clubs and if the Club would close, **so** would the gas **station**.

Philip Gordon, 1922 Hillsdale Street. representing the Ohlone Audubon Society, gave the Commission a list of animals surveyed along the Alameda County Flood Control Channels D and M on the property. He asked members to look carefully at the wetlands in the area, and suggested the ratio of two to one be considered for mitigation. He said that although this is a manmade system, it bridges the Bay and the hills in Hayward. He added that he **is** not against the development but there might be sections of the property that should not be touched.

Deputy Director of Public Works Bauman indicated that the developer is proposing a 2: 1 ratio. He added that all of these issues would be raised with the Army Corps of Engineers.

Ron Barklow, 1210 Tiegen Drive, notified people of an upcoming creek clean up on the property and requested that both the creek and the wetlands be saved.

Commissioner Bogue then asked staff about the new culvert for the Channel.

Deputy Director of Public Works Bauman explained that it will be an improvement for animals but will not be significantly larger than the present culvert.

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David Gilmore, speaking for the developer, indicated that the Alameda County Flood Control is saying that the present culvert is not sufficient for carrying the water run-off from rains, He added that they would be enhancing the bank of the channel as well.

The Public Hearing was closed at 8:51 p.m.

Commissioner Williams said this project would add a significant amount of money to the infrastructure as well as being an excellent addition to the City. He **moved**, seconded by Commissioner Zermefio, to adopt the Mitigated Negative Declaration, and approve the Use Permit/Site Plan Review Application subject to the findings and conditions **of** approval including the proposed gas station.

Commissioner Bogue asked whether the gas station could be conditioned for use only by the Sam's Club members.

Assistant City Attorney Conneely told him that the use permit runs with the land and not with the owner so that kind of condition could not be imposed.

Commissioner Sacks said the gas station is an important issue since this is a gateway to the City, and a **gas** station is still a gas station. She also expressed concern that the gas station is located near the creek. She said she would vote against the motion.

Commissioner Halliday said that, in looking at the plans, she wondered if the gas station could be located to another portion of the property. She said she would agree with Commissioner Sacks and vote against the proposal with the gas station.

Commissioner Williams commented further that this is an industrial area so the gas station would be appropriate.

Commissioner Zermefio asked whether there would be any chance of going with less than the four bays proposed for the gas station, in order to move it to a different part of the lot, probably closer to the tire bays. He was told the applicant had already reduced the number of bays from six to four and would be unlikely to accept a further reduction.

The motion failed by the following vote:

AYES: COMMISSIONERS Bogue, Williams, Zermeño

NOES: COMMISSIONER Halliday, Sacks

CHAIRPERSON Caveglia

ABSENT: None ABSTAIN: None

Commissioner Bogue **moved**, seconded by Commissioner **Sacks**, to approve the project as recommended by staff without the gas station, and with the agreement that Sam's Club and staff will work together to develop agreeable regulations for the sale of alcoholic beverages.

Commissioner Williams said he would vote against the motion without the gas station, since it does not **seem** to be consistent within the area. He added that it should be a total package.

The motion passed, 5:1, with Commissioner Williams voting "No."

3. Use Permit Application No. 00-160-20 - GRAE Ventures, LLC Applicant), Adolph Schuman Trust (Owner): Request to Construct a Retail Commercial Project Consisting of two Buildings, one with 23,042 Square Feet and the Other with 14,490 Square Feet and a Drive-up Window - The Project Involves a Request to Reduce the Parking Requirement from 1.55 Parking Stalls to 141 - The Project is Located at the Northeast Corner of Hesperian Boulevard and West Winton Avenue, Across the Street (Hesperian Boulevard) from Hayward Executive Airport in a CN (Neighborhood Commercial) Zoning District.

Planning Manager Anderly made the presentation, reminding Commissioners that this site is the former Horns of the Hunter shopping center. She indicated that the two buildings would include Staples and a Walgreen's. She said staff believes more can be done **to** enhance the design, She described the limitations for the site, such as heights and lights, since it is across from the Hayward Executive Airport. She briefly discussed those who were supportive of **the** project including a letter from the Chamber of Commerce.

The Public Hearing Opened at 9:39 p.m.

David Gilmore, speaking for the developer, GRAE Ventures, said these two projects are among the most challenging that their partnership has received. He was told upon inception last year that the important issues for this project were, no fast foods and traffic. He said they have been working with tenants and staff to find compromises lo various issues. As a result Walgreen's agreed to one drive-through and not two, as they had originally proposed,

Gary Blagg, 23619 Wright Drive, said a lot of his questions had been answered. He expressed reservations about a 24-hour operation as well as increased additional traffic for the area.

Jennifer Catron, 23518 Wright Drive, also said she was opposed to any 24-hour operation. She noted that there are a lot of children who play in the area, Since Hayward already has four Walgreen's, she would like to see something else on this lot. She said this is not the right proposal for that area.



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Mary Cavagnaro, 978 Phillips Way, said the buildings should not be closer than 20 feet to the property line. She asked for further information on security lighting, the fence on the property, and vector control. She added that she is happy that something is being proposed.

Planning Manager Anderly said there would be landscaping that could deter individuals within the 18-feet of property between the houses and businesses. She suggested that they might add a condition requiring the stores to pick-up litter on a daily basis.

Gloria Teixeira, 23883 Wright Drive! expressed concern about the height of the retaining wall and wondered if it could be taller to discourage burglars from getting into their property. She felt a 24-hour window would be a distraction since it will be close to their bedroom window. She also suggested restricting the intersection to a "No Blocking" area since the neighbors have difficulty exiting their properties.

Commissioner Williams commended her for coming to the meeting and suggested the Police Department should be made aware of their problems.

Commissioner Sacks added that with these two nice businesses, some of the neighborhood problems might be solved. She described several measures to be taken if the security lighting is a problem as well.

David Gilmore, for the developer, said this Walgreen's is a replacement for the one at Southland Mall. He explained that the drive-through is for pharmaceuticals only. He noted that they establish a maintenance program for all their developments. The lighting will be carefully designed because of both the neighbors and the airport.

The Public Hearing Closed at 10: 16 p.m.

Commissioner Zermeño moved, seconded by Commissioner Halliday, to approve the application as recommended by staff. He added that he is tired of seeing this vacant lot. The City needs this development.

Commissioner Halliday then asked for the staff position on a lo-foot fence.

Planning Manager Anderly said it could block out both the light and the view but realized it is **a** matter of personal preference.

The motion passed unanimously, as recommended by staff.

ADDITIONAL MATTERS

4. Oral Report on Planning and Zoning Matters

There were no oral reports.

5. Commissioners' Announcements, Referrals

Commissioner Sacks described an intense light from Corporate Motors which she thinks might be a safety factor for drivers.

Commissioner Bogue commented on the debris behind the service station at the corner of Hesperian and West Winton. He suggested the Community Preservation could check into it.

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- October 19, 2000 - Approved

ADJOURNMENT

APPROVED:

The meeting was adjourned by Chairperson Caveglia at 10:22 p.m.

Ed Bogue, Secretary Planning Commission

ATTEST:

Edith Looney
Commission Secretary